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| 10/669,104 | 09/23/2003 | Bjorn Nolte | P03,0383 | 3092 |
| 26574 | 7590 | 12/12/2007 | | |
| SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473 | | | EXAMINER ALTSCHUL, AMBER L | |
| | | | ART UNIT 3626 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/669,104

Applicant(s)

NOLTE, BJORN

Examiner

Amber L. Altschul

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 23, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date August 25, 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-12 have been presented for examination.

Priority

2. This application claims priority of Foreign Application GERMANY 102 44 747.0 filed on September 25, 2002. Applicant's claim for the benefit of this prior-filed application is acknowledged.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on August 25, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 9, and 12 recites the limitation "DICOM". The limitation "DICOM" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Therefore, Claims 2, 9, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 5,513,101, Pinsky, et al., hereinafter Pinsky.

8. As per claim 1, Pinsky teaches a medical system architecture comprising:

at least one imaging modality that acquires medical examination images, (column 1, lines 44-67);

a computer workstation associated with said at least one imaging modality, (column 1, lines 44-67);

a data transfer device for transferring data and messages and said medical examination images between at least one client and at least one server, (column 1, lines 44-67);

a storage device connected to said data transfer device for storing at least said medical examination images, (column 1, lines 44-67);

at least one further computer workstation connected to said data transfer device for post-processing said data and said examination images, (column 1, lines 44-67); and

a proxy server in communication with said data transfer device for converting said messages between said at least one client and said at least one server according to predetermined transformation rules, (column 1, lines 44-67).

9. As per claim 2, Pinsky teaches the system of claim 1 as described above.

Pinsky further teaches wherein said data transfer device exchanges said data, examination images and messages according to the DICOM standard, (column 2, lines 1-24).

10. Regarding claim 3, Pinsky teaches the system of claim 1 as described above.

Pinsky further teaches comprising a rules memory, accessible by said proxy server, wherein said transformation rules are stored, (column 4, lines 8-29).

11. Regarding claim 4, Pinsky teaches the system of claim 1 as described above.

Pinsky further teaches wherein said proxy server comprises a software product separate from said data transfer device, (column 4, lines 1-7).

12. Regarding claim 5, Pinsky teaches the system of claim 1 as described above.

Pinsky further teaches wherein said proxy server operates at a same system node as said data transfer device, (column 5, lines 42-50).

13. Regarding claim 6, Pinsky teaches the system of claim 1 as described above.

Pinsky further wherein said proxy server operates on a network node, (column 3, lines 19-44).

14. Regarding claim 7, Pinsky teaches a method for exchanging messages between nodes of a network, comprising the steps of:

formulating messages at a first location which are to be transmitted to another location via a network, each of said messages having a content, (column 6, lines 38-67); and

manipulating the respective contents of said messages during transmission of said messages in said network using a computerized conversion routine employing predetermined transformation rules, (column 6, lines 38-67).

15. Regarding claim 8, Pinsky teaches the method of claim 7 as described above. Pinsky further teaches comprising exchanging said messages between a client and a server connected to said network, (column 5, lines 51-59).

16. Regarding claim 9, Pinsky teaches the method of claim 7 as described above. Pinsky further teaches comprising formulating said messages according to the DICOM standard, (column 5, lines 51-59 and column 7, lines 1-6).

17. Regarding claim 10, Pinsky teaches the method of claim 7 as described above. Pinsky further teaches comprising selectively reconfiguring said predetermined transformation rules as needed, (column 6, lines 38-67).

18. Regarding claim 11, Pinsky teaches the system of claim 7 as described above. Pinsky further teaches comprising storing said predetermined transformation rules in a rules memory, and executing said conversion routine to manipulate the respective contents of the messages in a proxy server having access to said rules memory, (column 1, lines 44-67, and column 8, lines 32-50).

19. Regarding claim 12, Pinsky teaches the system of claim 7 as described above. Pinsky further teaches wherein said network comprises a plurality of DICOM nodes, and

wherein the step of manipulating the respective contents of said messages comprises manipulating the respective contents of said messages in a manner transparent to said DICOM nodes, (column 10, lines 46-52).

Conclusion

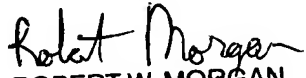
20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches Application framework of objects for the provision of DICOM services (US 5668998 A), Method for validating a digital imaging communication standard message (US 5671353 A), Method for negotiating software compatibility (US 5835735 A), Remote health care information input apparatus (US 5865745 A), User interface for echocardiographic report generation (US 5911133 A), Remote access medical image exchange system and methods of operation therefor (US 6006191 A).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is 571-270-1362. The examiner can normally be reached on M-Th 7:30-5, F 7:30-4, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-8219.

ALA
December 5, 2007


ROBERT W. MORGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600